SEP 7 1982
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ORIGINAL

97TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 97-724

NEW HAMPSHIRE-VERMONT COMPACT

AUGUST 11, 1982.—Referred to the House Calendar and ordered to be printed

Mr. SAM B. HALL, JR., from the Committee on the Judiciary, submitted the following

REPORT

COMPLETED

[To accompany H.R. 5288]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 5288) granting the consent of Congress to the compact between the States of New Hampshire and Vermont concerning solid waste, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

H.R. 5288 will grant the consent of Congress to an interstate compact between the States of New Hampshire and Vermont. The compact provides for cooperative agreements to construct and operate facilities for the processing and disposal of solid wastes.

STATEMENT

Pursuant to Article I, Section 10 of the United States Constitution, this bill extends Congressional consent to an agreement already ratified by the legislatures of these two states. Under the agreement, municipalities in the two states would be authorized to enter into agreements to jointly construct and maintain facilities for the disposal of solid waste and the generation of electricity. According to testimony before the subcommittee, communities in both Vermont and New Hampshire have been participating in an interstate solid waste project with the cooperation and support of the Environmental Protection Agency since 1979. The approval of this compact will facilitate the perpetuation of this project to produce electric power by burning solid wastes.

The legislatures of both States approved the compact in 1981. The subcommittee has obtained certified copies of the respective state laws. They are identical to the text of the bill and are reprinted in the appendix.

89-006 O

Section-by-Section Analysis

Section 1 of the bill states the text of the compact.

Article I of the compact requires that the compact be approved by both the Administrator of the United States Environmental Protection Agency and the Congress. In a report to the Committee, the Environmental Protection Agency states that the compact has been approved by it in accordance with the requirements of the Resource Conservation and Recovery Act of 1976. The text of the report is reprinted in the appendix.

The compact establishes procedures and conditions governing cooperative agreements for solid waste disposal. Agreements are to be approved by the solid waste agencies of both New Hampshire and Vermont if they conform with each State's E.P.A. approved solid waste management plan. The adoption of agreements and the approval of plans are to be governed by the law of each state.

It is anticipated that the states will reach an agreement under the compact which will have an explicit purpose and specific duration. The agreement will provide for administration of the project by a joint board with all municipalities who are party to the agreement being represented. The agreement will also define the manner of property acquisition and disposition, and the manner of holding of such property. It will provide for financing and budget as well as charges for use of facilities. The agreement will establish a procedure for arbitration of disputes, will permit municipalities to withdraw or be added to the agreement, and will provide for amendment of the agreement. Finally, the agreement will provide procedures for termination of the agreement and disposal of property upon termination.

Article III of the compact provides that the approval of the Congress is necessary before the compact, as ratified by both states, is to be effective.

Section 2 of the bill recites that nothing in the compact is to be construed as impairing the right or jurisdiction of the United States over the region covered by the compact.

Section 3 of the bill reserves to the Congress the right to alter, amend, or repeal the Act.

Statements Under Clause 2(l)(2)(B), Clause 2(l)(3)(A), Clause 2(l)(3)(B), Clause 2(l)(3)(D) and Clause 2(l)(4) of Rule XI, and Clause 7(A)(l) of Rule XIII

COMMITTEE VOTE

Rule XI(2(l)(2)(B))

On August 10, 1982, a quorum being present, the Committee on the Judiciary approved the bill, H.R. 5288, by voice vote.

OVERSIGHT STATEMENT

(Rule XI(2)(l)(3)(A))

The Subcommittee on Administrative Law and Governmental Relations of this Committee exercises the Committee's oversight responsibility with reference to interstate compacts in accordance with Rule

VI(b) of the Rules of the Committee. The favorable consideration of this bill was recommended by that Subcommittee and the Committee has determined that the legislation should be enacted as set forth in this bill.

BUDGET STATEMENT

(Rule XI(2)(l)(3)(B))

The bill does not directly provide budget authority nor does it involve new or increased tax expenditures contemplated by Clause 2(1)(3)(B) of Rule XI.

OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE ON GOVERNMENT OPERATIONS

(Rule XI(2)(l)(3)(D))

No findings or recommendations of the Committee on Government Operations were received as referred to in subdivision (D) of clause 2(1)(3) of House Rule XI.

INFLATIONARY IMPACT

(Rule XI(2)(l)(4))

In compliance with clause 2(1)(4) of House Rule XI, it is stated that this legislation will have no inflationary impact on prices and costs on the operation of the national economy.

COST

(Rule XIII(7)(a)(1))

The costs are those outlined in the cost estimate of the Congressional Budget Office included in this report.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., August 12, 1982.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed H.R. 5288, a bill granting the consent of Congress to the compact between the States of New Hampshire and Vermont concerning solid waste, as ordered reported by the House Committee on the Judiciary, August 10, 1982.

Based on this review, it is expected that no additional cost to the federal government would be incurred as a result of enactment of this legislation.

Sincerely,

ALICE M. RIVLIN, *Director.*

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APPENDIX

APPENDIX I

STATE OF VERMONT

LEGISLATIVE COUNCIL

STATE HOUSE, MONTPELIER, VT. 05602

Telephone: (802) 828-2231

We are pleased to send the enclosed material in response to your recent request.

William Russell
Legislative Draftsman

ORIGINAL

ACT 32

1981 - S.124

p.1

S.124

Introduced by Senator Howland of Windsor County, Senator Scott of Windsor County and Senator Welch of Windsor County

Referred to Committee on Energy & Natural Resources

Subject: Conservation and development; interstate solid waste compact.

Sponsor's statement of purpose: It is the purpose of this bill to authorize the establishment of a New Hampshire-Vermont interstate solid waste compact.

Own Vote			Legislative Vote					
Yes	No		Date	Senate	House	Yes	No	Date	Comments
		1st Reading							
		Committee Report							
		2nd Reading							
		3rd Reading							
		Amended - Calendar							
		Amended - Journal							
		Amended - Journal							
		Committed							
		Recommitted							
		Ordered to lie							
		Called up							
		Passed							
		Messaged							
		Com. of Conference							
		Withdrawn							
		Signed by Governor							

AN ACT TO ADD 10 V.S.A. CHAPTER 46, SUBCHAPTER 2 RELATING TO NEW HAMPSHIRE-VERMONT SOLID WASTE COMPACT

It is hereby enacted by the General Assembly of the State of Vermont:

S. 124.

Sec. 1. 10 V.S.A. Chapter 46 is retitled to read:

Chapter 46. INTERSTATE WASTE COMPACTS

Sec. 2. 10 V.S.A. Chapter 46, sections 1201-1204 are designated

Subchapter 1. New Hampshire-Vermont Interstate Sewage and Waste Disposal Facilities Compact

Sec. 3. 10 V.S.A. Chapter 46, Subchapter 2 is added to read:

Subchapter 2. New Hampshire - Vermont Solid Waste Compact

§ 1222. GENERAL PROVISIONS --ARTICLE I

A. Statement of policy. It is recognized that municipalities in New Hampshire and Vermont may, in order to avoid duplication of cost and effort, and, in order to take advantage of economies of scale, find it necessary or desirable to enter into an agreement whereby joint solid waste disposal and resource recovery facilities are constructed and maintained. The states of New Hampshire and Vermont recognize the value of and the need for such a cooperative agreement to capture the economic benefits of reduced solid waste disposal costs and to enhance the economy through a reduction in demand for imported energy and the promotion of employment. Furthermore, the states of New Hampshire and Vermont recognize the value of and the need for such a cooperative agreement to maintain a safe and healthy environment, including a clean and renewable supply of the water resources.

B. Requirement of administrative and congressional approval. This compact shall not become effective until approved by the administra-

tor of the United States Environmental Protection Agency and the United States Congress.

C. Definitions.

1. "Resource recovery facility" shall mean any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise, separating and preparing solid waste for reuse.

2. "Municipalities" shall mean in Vermont a municipality as defined in 1 V.S.A. § 126 and a union municipal district established under the authority of 24 V.S.A. Chapter 121; shall mean in New Hampshire a public agency as defined in RSA 53-A:2 and a regional refuse disposal district established under the authority of RSA 53-B.

3. "Solid waste agencies" shall mean those agencies within New Hampshire and Vermont possessing authority to regulate solid waste disposal and to administer the Resource Conservation and Recovery Act of 1976, as amended (42 USCA Chapter 82).

4. "Sanitary landfills" shall mean a facility for the disposal of solid waste which meets the criteria published under 42 USCA § 6944 of the Resource Conservation and Recovery Act of 1976, as amended.

5. "Solid waste" shall mean any garbage, refuse, metal goods, tires, demolition and construction waste, yard waste, and sludge from a waste water treatment plant, or other discarded materials, possessing no value to the producer in its present form where it is located produced by normal residential, commercial and industrial activities, but does not include hazardous waste.

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6. "Hazardous waste" shall mean any solid, semi-solid, liquid or contained gaseous waste, or any combination of these wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, or any waste classified as hazardous at any time under applicable laws and regulations of the United States, New Hampshire, and Vermont or any subdivision thereof pursuant to a valid grant of authority.

§ 1223. PROCEDURES AND CONDITIONS GOVERNING INTERGOVERNMENTAL AGREEMENTS --ARTICLE II.

A. Cooperative Agreements Authorized. Any two or more municipalities, one or more located in New Hampshire and one or more located in Vermont, may enter into cooperative agreements for the construction, maintenance and operation of a resource recovery facility or sanitary landfill or both and those related services needed for the efficient operation thereof. The agreement may also include the sale of energy and other byproducts.

B. Approval of Agreements. Any agreement entered into under this compact shall, prior to becoming effective, be approved by the solid waste agencies of both New Hampshire and Vermont as in conformance with each state's solid waste management plan.

C. Method of Adopting Agreements. Agreements hereunder shall be adopted in accordance with existing statutory procedures for the

adoption of intergovernmental agreements between municipalities within each state, and further in New Hampshire, as provided in RSA Chapter 53-B.

D. Review and Approval of Plans. The solid waste agencies of the state in which any part of a solid waste disposal and resource recovery facility which is proposed under an agreement pursuant to this compact is proposed to be or is located is hereby authorized and required, to the extent such authority exists under its state law to assure that the proposed facility is compatible with the existing state plan.

E. Contents of Agreements. Agreements entered into pursuant to this compact shall contain the following:

1. Duration of the agreement.

2. Purpose of the agreement.

3. Provision for a joint board and/or administrator responsible for administering the cooperative undertaking and the powers to be exercised thereby. All municipalities party to the agreement shall be represented.

4. The manner of acquiring, holding and disposing of real and personal property used in the cooperative undertaking.

5. The manner of financing the cooperative undertaking and establishing a budget therefor.

6. The manner and method of establishing and imposing fair and equitable charges for the users of the facilities.

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7. A provision establishing a procedure for the arbitration of disputes.

8. The conditions and procedure under which a municipality may withdraw from or be added to a cooperative agreement.

9. The manner in which the agreement may be amended.

10. The methods to be employed in the termination of the agreement and for disposing of property upon termination.

§ 1224. EFFECTIVE DATE --ARTICLE III

A. This compact shall become effective when ratified by New Hampshire and Vermont and approved by the United States Congress.

ATTESTED TO:

Robert H. Gibson
Secretary of the Senate

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR, STATE OF VERMONT
4/16/1981

Sec. 1. 10 V.S.A. chapter 46, subchapter 2 is added to read:

Subchapter 2. New Hampshire-Vermont Interstate Solid Waste Compact

§ 1221. COMPACT

The state of Vermont enters into the following compact with the state of New Hampshire subject to the terms and conditions herein stated.

§ 1222. GENERAL PROVISIONS -- ARTICLE I

A. Statement of policy. It is recognized that municipalities in New Hampshire and Vermont may, in order to avoid duplication of cost and effort, and, in order to take advantage of economies of scale, find it necessary or desirable to enter into an agreement whereby joint solid waste disposal/resource recovery facilities are constructed and maintained. The states of New Hampshire and Vermont recognize the value of and the need for such a cooperative agreement to capture the economic benefits of reduced solid waste disposal costs and to enhance the economy through a reduction in demand for imported energy and the promotion of employment. Furthermore, the states of New Hampshire and Vermont recognize the value of and the need for such a cooperative agreement to maintain a safe and healthy environment, including a clean and renewable supply of the water resources.

B. Requirement of administrative and congressional approval. This compact shall not become effective until approved by the administra-

tor of the United States Environmental Protection Agency and the United States Congress.

C. Definitions.

1. "Resource recovery facility" shall mean any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise, separating and preparing solid waste for reuse.

2. "Municipalities" shall mean in Vermont a municipality as defined in 24 V.S.A. § 4801 and a union municipal district established under the authority of 24 V.S.A. chapter 121; shall mean in New Hampshire a public agency as defined in N.H. RSA 53-A:2 and a regional refuse disposal district established under the authority of New Hampshire RSA Chapter 53-B.

3. "Solid waste agencies" shall mean those agencies within New Hampshire and Vermont possessing authority to regulate solid waste disposal and to administer the Resource Conservation and Recovery Act of 1976, as amended (42 USCA Chapter 82).

4. "Sanitary landfills" shall mean a facility for the disposal of solid waste which meets the criteria published under 42 USCA § 6944 of the Resource Conservation and Recovery Act of 1976, as amended.

5. "Solid waste" shall mean any garbage, refuse, metal goods, tires, demolition and construction waste, yard waste, and sludge from a waste water treatment plant, or other discarded materials, possessing no value to the producer in its present form where it is located, produced by normal residential, commercial and industrial activities, but does not include hazardous waste.

6. "Hazardous waste" shall mean any solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, or any waste classified as hazardous at any time under applicable laws and regulations of the United States, New Hampshire, and Vermont or any subdivision thereof pursuant to a valid grant of authority.

§ 1223. PROCEDURES AND CONDITIONS GOVERNING INTERGOVERNMENTAL AGREEMENTS -- ARTICLE II.

A. Cooperative Agreements Authorized. Any two or more municipalities, one or more located in New Hampshire and one or more located in Vermont, may enter into cooperative agreements for the construction, maintenance and operation of a resource recovery facility and/or sanitary landfill and such other ancillary services as may be necessary for the efficient operation thereof.

B. Approval of Agreements. Any agreement entered into under this compact shall, prior to becoming effective, be approved by the solid waste agencies of both New Hampshire and Vermont as in conformance with each state's solid waste management plan.

C. Method of Adopting Agreements. Agreements hereunder shall be adopted in accordance with existing statutory procedures for the

adoption of intergovernmental agreements between municipalities within each state, and further in New Hampshire, as provided in New Hampshire RSA Chapter 53-B.

D. Review and Approval of Plans. The solid waste agencies of the state in which any part of a solid waste disposal/resource recovery facility which is proposed under an agreement pursuant to this compact is proposed to be or is located is hereby authorized and required, to the extent such authority exists under its state law to assure that the proposed facility is compatible with the existing state plan.

E. Contents of Agreements. Agreements entered into pursuant to this compact shall contain the following:

1. Duration of the agreement.

2. Purpose of the agreement.

3. Provision for a joint board and/or administrator responsible for administering the cooperative undertaking and the powers to be exercised thereby. All municipalities party to the agreement shall be represented.

4. The manner of acquiring, holding and disposing of real and personal property used in the cooperative undertaking.

5. The manner of financing the cooperative undertaking and establishing a budget therefor.

6. The manner and method of establishing and imposing fair and equitable charges for the users of the facilities.

7. A provision establishing a procedure for the arbitration of disputes.

8. The conditions and procedure under which a municipality may withdraw from or be added to a cooperative agreement.

9. The manner in which the agreement may be amended.

10. The methods to be employed in the termination of the agreement and for disposing of property upon termination.

§ 1224. EFFECTIVE DATE -- ARTICLE III

A. This compact shall become effective when a bill of the New Hampshire general assembly which incorporates the compact becomes a law in New Hampshire and when it is approved by the United States Congress.

Sec. 2. 10 V.S.A. §§ 1201-1204 are redesignated

Subchapter 1. New Hampshire-Vermont Interstate Sewage and Waste Disposal Facilities Compact

CHAPTER 377 (HB 768)

ADOPTING THE NH/VT INTERSTATE
SOLID WASTE COMPACT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

377:1 New Chapter. Amend RSA by inserting after chapter 53-C the following new chapter:

CHAPTER 53-D

INTERSTATE SOLID WASTE COMPACT

53-D:1 Compact. The state of New Hampshire enters into the following compact with the state of Vermont subject to the terms and conditions herein stated.

ARTICLE I

A. Statement of Policy.

It is recognized that municipalities in New Hampshire and Vermont may, in order to avoid duplication of cost and effort, and, in order to take advantage of economies of scale, find it necessary or desirable to enter into an agreement whereby joint solid waste disposal and resource recovery facilities are constructed and maintained. The states of New Hampshire and Vermont recognize the value of and the need for such a cooperative agreement to capture the economic benefits of reduced solid waste disposal costs and to enhance the economy through a reduction in demand for imported energy and the promotion of employment. Furthermore, the states of New Hampshire and Vermont recognize the value of and the need for such a cooperative agreement to maintain a safe and healthy environment, including a clean and renewable supply of the water resources.

B. Requirement of Administrative and Congressional Approval.

This compact shall not become effective until approved by the administrator of the United States Environmental Protection Agency and the United States Congress.

C. Definitions.

1. "Resource recovery facility" shall mean any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise, separating and preparing solid waste for reuse.

2. "Municipalities" shall mean in Vermont, a municipality as defined in 1 V.S.A. S 126 and a union municipal district established under

the authority of 24 V.S.A. Chapter 121; shall mean in New Hampshire, a public agency as defined in RSA 53-A:2 and a regional refuse disposal district established under the authority of RSA 53-B.

3. "Solid waste agencies" shall mean those agencies within New Hampshire and Vermont possessing authority to regulate solid waste disposal and to administer the Resource Conservation and Recovery Act of 1976, as amended. (42 USCA Chapter 82)

4. "Sanitary landfills" shall mean a facility for the disposal of solid waste which meets the criteria published under 42 USCA S6944 of the Resource Conservation and Recovery Act of 1976, as amended.

5. "Solid waste" shall mean any garbage, refuse, metal goods, tires, demolition and construction waste, yard waste, and sludge from a waste water treatment plant, or other discarded materials, possessing no value to the producer in its present form where it is located, produced by normal residential, commercial and industrial activities, but does not include hazardous waste.

6. "Hazardous waste" shall mean any solid, semi-solid, liquid, or contained gaseous waste, or any combination of these wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, or any waste classified as hazardous at any time under applicable laws and regulations of the United States, New Hampshire, and Vermont or any subdivision thereof pursuant to a valid grant of authority.

ARTICLE II

Procedures and Conditions Governing Intergovernmental Agreements.

A. Cooperative Agreements Authorized.

Any 2 or more municipalities, one or more located in New Hampshire and one or more located in Vermont may enter into cooperative agreement for the construction, maintenance, and operation of a resource recovery facility or sanitary landfill or both, and those related services needed for the efficient operation thereof. The agreement may also include the sale of energy and other by-products.

B. Approval of Agreements.

Any agreement entered into under this compact shall, prior to becoming effective, be approved by the solid waste agencies of both New Hampshire and Vermont as in conformance with each state's solid waste management plan.

C. Method of Adopting Agreements.

Agreements hereunder shall be adopted in accordance with existing statutory procedures for the adoption of intergovernmental agreements between municipalities within each state, and further in New Hampshire, as provided in RSA 53-B.

D. Review and Approval of Plans.

The solid waste agencies of the state in which any part of a solid waste disposal and resource recovery facility which is proposed under an agreement pursuant to this compact is proposed to be or is located is hereby authorized and required, to the extent such authority exists under its state law to assure that the proposed facility is compatible with the existing state plan.

E. Contents of Agreements.

Agreements entered into pursuant to this compact shall contain the following:

1. Duration of the agreement.

2. Purpose of the agreement.

3. Provision for a joint board and/or administrator, responsible for administering the cooperative undertaking and the powers to be exercised thereby. All municipalities party to the agreement shall be represented.

4. The manner of acquiring, holding and disposing of real and personal property used in the cooperative undertaking.

5. The manner of financing the cooperative undertaking and establishing a budget therefor.

6. The manner and method of establishing and imposing fair and equitable charges for the users of the facilities.

7. A provision establishing a procedure for the arbitration of disputes.

8. The conditions and procedure under which a municipality may withdraw from or be added to a cooperative agreement.

9. The manner in which the agreement may be amended.

10. The methods to be employed in the termination of the agreement and for disposing of property upon termination.

ARTICLE III

Effective Date.

A. This compact shall become effective when ratified by New Hampshire and Vermont and approved by the United States Congress.

377:2 Notification. The governor is directed to notify the governor of Vermont and the President of the United States that the state of New Hampshire has approved and ratified this compact.

377:3 Effective Date. This act shall take effect 60 days after its passage.

(Approved June 23, 1981.)
(Effective Date August 22, 1981.)

NO. 32. AN ACT TO ADD 10 V.S.A. CHAPTER 46, SUBCHAPTER 2 RELATING TO NEW HAMPSHIRE-VERMONT SOLID WASTE COMPACT.

(S.124)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 10 V.S.A. Chapter 46 is retitled to read:

CHAPTER 46. INTERSTATE WASTE COMPACT

Sec. 2. 10 V.S.A. Chapter 46, sections 1201-1204 are designated

Subchapter 1. New Hampshire-Vermont Interstate

Sewage and Waste Disposal Facilities Compact

Sec. 3. 10 V.S.A. Chapter 46, Subchapter 2 is added to read:

Subchapter 2. New Hampshire-Vermont

Solid Waste Compact

§ 1222. GENERAL PROVISIONS -- ARTICLE I

A. Statement of policy. It is recognized that municipalities in New Hampshire and Vermont may, in order to avoid duplication of cost and effort, and, in order to take advantage of economies of scale, find it necessary or desirable to enter into an agreement whereby joint solid waste disposal and resource recovery facilities are constructed and maintained. The states of New Hampshire and Vermont recognize the value of and the need for such a cooperative agreement to capture the economic benefits of reduced solid waste disposal costs and to enhance the economy through a reduction in demand for imported energy and the promotion of employment. Furthermore, the states of New Hampshire and Vermont recognize the value of and the need for such a cooperative agreement to maintain a safe and healthy environment, including a clean and renewable supply of the water resources.

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tor of the United States Environmental Protection Agency and the United States Congress.

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2. "Municipalities" shall mean in Vermont a municipality as defined in 1 V.S.A. § 126 and a union municipal district established under the authority of 24 V.S.A. Chapter 121; shall mean in New Hampshire a public agency as defined in RSA 53-A:2 and a regional refuse disposal district established under the authority of RSA 53-B.

3. "Solid waste agencies" shall mean those agencies within New Hampshire and Vermont possessing authority to regulate solid waste disposal and to administer the Resource Conservation and Recovery Act of 1976, as amended (42 USCA Chapter 82).

4. "Sanitary landfills" shall mean a facility for the disposal of solid waste which meets the criteria published under 42 USCA § 6944 of the Resource Conservation and Recovery Act of 1976, as amended.

5. "Solid waste" shall mean any garbage, refuse, metal goods, tires, demolition and construction waste, yard waste, and sludge from a waste water treatment plant, or other discarded materials, possessing no value to the producer in its present form where it is located, produced by normal residential, commercial and industrial activities, but does not include hazardous waste.

6. "Hazardous waste" shall mean any solid, semi-solid, liquid or contained gaseous waste, or any combination of these wastes, which

because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or

(b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, or any waste classified as hazardous at any time under applicable laws and regulations of the United States, New Hampshire, and Vermont or any subdivision thereof pursuant to a valid grant of authority.

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B. Approval of Agreements. Any agreement entered into under this compact shall, prior to becoming effective, be approved by the solid waste agencies of both New Hampshire and Vermont as in conformance with each state's solid waste management plan.

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5. The manner of financing the cooperative undertaking and establishing a budget therefor.

6. The manner and method of establishing and imposing fair and equitable charges for the users of the facilities.

7. A provision establishing a procedure for the arbitration of disputes.

8. The conditions and procedure under which a municipality may withdraw from or be added to a cooperative agreement.

9. The manner in which the agreement may be amended.

10. The methods to be employed in the termination of the agreement and for disposing of property upon termination.

§ 1224. EFFECTIVE DATE -- ARTICLE III

A. This compact shall become effective when ratified by New Hampshire and Vermont and approved by the United States Congress.

Approved: April 16, 1981

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., April 28, 1982.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: I am pleased to respond to your request for the comments of the Environmental Protection Agency on proposed bill H.R. 5288, which would grant the consent of Congress to the compact between the States of New Hampshire and Vermont for cooperative effort and mutual assistance in solid waste management.

This is the first interstate compact under the Resource Conservation and Recovery Act of 1976, which requires that in order to be binding each interstate compact must receive the approval of both the Administrator of EPA and the Congress.

After review and study by EPA's Office of Solid Waste and coordination through the Regional Office in Boston with the States of New Hampshire and Vermont, I have approved the compact. It will enable communities located in both States to negotiate and make binding agreements in cooperative ventures for the joint management of local solid waste problems, irrespective of State boundaries.

In closing, EPA supports Congressional approval of the compact and passage of H.R. 5288.

Sincerely yours,

ANNE M. GORSUCH.

○